



KOUGA
local municipality

Good Governance through Service Excellence

SPECIAL COUNCIL MEETING

AGENDA

Date : 21 SEPTEMBER 2018
Time: 14:00
Venue : Kouga Council Chamber
(Jeffreys Bay Unit)

<p>KOUGA MUNICIPALITY (EC108)</p> <p><u>NOTICE CONVENING A MEETING</u></p> <p>NOTICE IS HEREBY GIVEN that an Special Council Meeting will be held in the in the <u>Kouga Council Chambers, (Jeffreys Bay Unit)</u> on</p> <p><u>DATE:</u> 21 September 2018</p> <p><u>TIME:</u> 14:00</p> <p><u>H. BORNMAN</u> SPEAKER</p>	<p>UMASIPALA I-KOUGA (EC108)</p> <p><u>ISAZISO NGENTLANGANISO</u></p> <p>OKU KUKWAZISA OKOKUBA intlanganiso yesiquphe ye-khansile iyakube ibanjelwe <u>e-Kouga Council Chambers, (Jeffreys Bay Unit)</u></p> <p><u>UMHLA:</u> 21 EyoMsintsi 2018</p> <p><u>IXESHA:</u> 14:00</p> <p><u>H. BORNMAN</u> USOMLOMO</p>	<p>MUNISIPALITEIT KOUGA (OK108)</p> <p><u>KENNISGEWING VAN VERGADERING</u></p> <p>KENNIS GESKIED HIERMEE dat 'n Spesiale Raadsvergadering in die <u>Kouga Raadsaal, (Jeffreys-baai Eenheid)</u> gehou sal word op</p> <p><u>DATUM:</u> 21 September 2018</p> <p><u>TYD:</u> 14:00</p> <p><u>H. BORNMAN</u> WOORDVOERDER</p>
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A G E N D A

1. **NOTICE OF MEETING**
2. **OPENING AND WELCOME**
3. **LEAVE OF ABSENCE**
4. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**
5. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**
6. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**
7. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

8. **REPORTS BY THE EXECUTIVE MAYOR**

8.1 **REPORTS BY THE PORTFOLIO CHAIRPERSON: PLANNING, DEVELOPMENT & TOURISM**

18/09/PD&T2 Report: Funding Support to Singing with Bucie Musical Talent Show Through SBDM Grant Of R250 000.00
Pages 7-23

10. **CLOSURE**

Distribution list:

Executive Mayor
Speaker
All Councillors
Municipal Manager
All Directors
Relevant Managers

**MATTERS DEALT WITH
IN TERMS OF
DELEGATED
AUTHORITY BY THE
EXECUTIVE MAYOR**

REPORTS BY
THE
EXECUTIVE
MAYOR

REPORTS BY
THE
PORTFOLIO
CHAIRPERSON:
PLANNING,
DEVELOPMENT AND
TOURISM

KOUGA MUNICIPALITY (EC 108)

SPECIAL COUNCIL MEETING

PLANNING, DEVELOPMENT & TOURISM

DATE: 21 SEPTEMBER 2018

ITEM NO: 18/09/PD&T2

REPORT: FUNDING SUPPORT TO SINGING WITH BUCIE MUSICAL TALENT SHOW THROUGH SBDM GRANT OF R250 000.00

1. Purpose

The purpose of this report is seek Council Approval to fund the singing with Bucie talent show to the value of R250 000.00 from the grant funding for creative arts and culture from Sarah Baartman DM.

2. Background

The grant funding of R250 000 was received from SBDM in 2017/18 FY and was subsequently rolled over to the 2018/19 FY. Singing with Bucie project was presented to the Municipality seeking Council support. The projects is in the category of creative arts and culture.

3. Comments: Relevant Director

The MOU of the grant funding amounts to R150 000 for Kouga's got talent, the R100 000 is for Capacitation of Arts and this has to be considered by Council in approval of item.

4. Comment: Municipal Manager

Only R150 000 is available from the District. Funding application for grant-in-aid was not approved.

5. Comment: Chief Financial Officer

In the line with the MOU only R150 000 can be utilised for the event.

6. Financial implications

R250 000.00 from SBDM grant for Kouga's got talent and Capacitation of Craft.

7. Legal implications

- The expenditure must meet the conditions of the Grant received from Sarah Baartman District Municipality, if any.
- Clause 1 of the Agreement entered into between Sarah Baartman District Municipality and the Kouga Municipality provides that the funds, in the amount of R150 000, shall be utilized for the Kouga's Got Talent activity. Clause 3 provides that should the municipality wish to utilize the funds for any other activity then written approval must be obtained from the District.

8. Other implications

None

9. Recommendation

- 9.1 That Council approves the payment of R150 000.00 (Kouga's got talent) to the Singing with Bucie talent show (activity), subject to written approval from the Sarah Baartman District Municipality.
- 9.2 That Council approves the payment of R100 000.00 (Capacitation of Arts) to the Singing with Bucie talent show, subject to written approval from Sarah Baartman District Municipality.

Prepared by: Manager LED & Tourism

Approved by: Director - Planning, Development & Tourism

Item noted by: Portfolio Chairperson (Planning, Development & Tourism)

KOUGA MUNICIPALITY (EC108)

ORDINARY COUNCIL MEETING

PLANNING, DEVELOPMENT & TOURISM

DATE: 26 JULY 2018

ITEM: 18/07/PDT4

AMENDMENTS TO THE 2018/19 ANNUAL BUDGET – APPROVAL OF GRANT ALLOCATION FROM THE SARAH BAARTMAN DISTRICT MUNICIPALITY AND DEDEAT

1. Introduction

The purpose of this item is to seek Council approval to include unspent grant funds on the 2017/18 Adjustments Budget, in the approved 2018/19 Capital Budget.

2. Background

The following grant funding was approved for the following projects in the Kouga municipality.

The aforementioned project budget allocations remained unspent as at 30 June 2018 for various reasons, such as delays in finalising specifications, which ultimately delayed the appointment of the relevant service providers.

Project Name	Grant Available	Funding Source
Arts and Creative Industries	R 250, 000	Sarah Baartman Municipality.
Lowrie Flower Project	R 65,000	DEDEAT
Total	R 315,000	

In accordance with Section 28(2)(e) of the Municipal Finance Management Act (MFMA), Council may authorise the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the Council.

Financial Implications

In view of the aforementioned the following amendments to the 2018/19 Capital Budget, are proposed:

Projects	Vote number	
Arts and Creative Industries	To be created	Provide R 250, 000
Lowrie Flower Project	5015050835003	Provide R 65,500

3. Recommendation:

3.1 That the Executive Mayor recommends that the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act, Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Municipal Finance Management Act, Act No 56 of 2003, approves the following amendments to the 2018/19 Annual Budget.

Projects	Vote number	
Arts and Creative Industries	To be created	Provide R 250, 000
Lowrie Flower Project	5015050835003	Provide R 65,500

Item prepared by Director: _____



KOUGA

local municipality

Good Governance through Service Excellence

Cape St Francis
Hankey
Humansdorp
Jeffreys Bay
Loerie
Oyster Bay
Patensie
St Francis Bay
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330
Tel: 042 200 2200 / 042 200 8300
Fax: 042 200 8606
Email: registry@kouga.gov.za
Website: www.kouga.gov.za

INTERNAL MEMORANDUM

ENQUIRIES: S. Abrahams

EXTENSION: 8503

TO: CHIEF FINANCIAL OFFICER

FROM: MANAGER: FINANCE B&T

DATE: 19/09/2018

REF.NO:

SUBJECT: Budget Verification

This memorandum is to verify budget of R250 000,00 is available for Arts & Creative Industries Project as per attached table. Based on allocated breakdown R100 00,00 for Capacitation of Craft and R150 000,00 for Kouga's got talent. That R250 000,00 is roll-over from 2017/2018 financial year.

.....
Manager Finance: Budget & Treasury

19-09-18

.....
DATE

According to request from local department

KOUGA MUNICIPALITY
2018-09-19
BUDGET + TREASURY

Summary - Capital Budget 2018/19	Approved Budget 2018/19	Adjustments	Adjusted Budget 2018/19	Actuals as at 31 August 2018	% of Budget	Funding
Planning, Development and Tourism						
Machinery and Equipment	30,000		30,000			Internal
Informal Traders - building	1,220,951		1,220,951			MIG
Furniture and Office Equipment	200,000		200,000	15,847	7.92%	Internal
Computer Software	700,000		700,000			Internal
Computer Equipment	60,000		60,000			Internal
Land acquisition housing projects	1,000,000		1,000,000			Internal
Arts and Creative industries		250,000	250,000			District
Loerie Flower Project		65,500	65,500			DEDEAT
Upgrading Kouga Cultural Centre	1,000,000		1,000,000			Internal
	4,210,951	315,500	4,526,451	15,847	0.35%	


 18-09-18
 KOUGA MUNICIPALITY
 ELECTRICITY MANAGER

18/07/PDT4 **AMENDMENTS TO THE 2018/19 ANNUAL BUDGET – APPROVAL OF GRANT ALLOCATION FROM THE SARAH BAARTMAN DISTRICT MUNICIPALITY AND DEDEAT**

Resolved: (26 July 2018)

That the Executive Mayor recommends that the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act, Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Municipal Finance Management Act, Act No 56 of 2003, approves the following amendments to the 2018/19 Annual Budget.

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Arts and Creative Industries	To be created	Provide R 250,000
Lowrie Flower Project	5015050835003	Provide R 65,500

KOUGA MUNICIPALITY (EC108)

ORDINARY COUNCIL MEETING

LED, TOURISM AND CREATIVE INDUSTRIES

DATE:

ITEM NO:

AMENDMENTS TO THE 2018/19 ANNUAL BUDGET – APPROVAL OF GRANT ALLOCATION FROM THE SARAH BAARTMAN DISTRICT MUNICIPALITY AND DEDEAT

1. Introduction

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2. Background

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Total	R 315,000	

In accordance with Section 28(2)(e) of the Municipal Finance Management Act (MFMA), Council may authorise the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the Council.

request for roll over of funds

Xolile Wagosa

Wed 2018-04-18 08:31 AM

To: Zandisile Gongqoba <zgongqoba@kouga.gov.za>; Leonard George <lgeorge@kouga.gov.za>;

Cc: Vivian Blouw <vblouw@kouga.gov.za>; Jacobus Marais <jmarais@kouga.gov.za>;

Good Day Sir

This communication is in reference to our discussion this morning that through the previous Tourism Manager Ms. Strydom, Kouga Municipality applied to SBDM for funding for 2 projects as follows: Capacitation of Crafters – R 100 000 and Kouga's Got Talent - R 150 000.

The funding was granted to Kouga municipality and has not been utilized and the office hereby requests for a roll-over of the funds to the 2018/19 budget so that these projects can be implemented.

Kind Regards
Xolile

Sarah Baartman District Mun

ACCOUNT NO 14551
KOUGA MUNICIPALITY
P O BOX 318
JEFFREYS BAY
ATTENTION: K JANSEN
6330

Page 1

Date 03/07/2015

V/USER ID: SMO

REF NO	INVOICE NO	DATE	ORDER	GROSS AMOUNT	DISCOUNT	AMOUNT
67	/CRAFTERS	26/06/15	SIBEKO	100,000.00		100,000.00
	CHEQUE NUMBER :		0578495	100,000.00	.00	100,000.00

TO ALL SERVICE SUPPLIERS OF THE Sarah Baartman District Mun

OFFICIAL ORDERS

Please ensure that your company does not render any service to this Council without an official order number.

Council will take no responsibility for the payment of any account which does not reflect the official order number.



ABSA Bank Limited/Beperk (Reg No 1985/004794/06)
PORT ELIZABETH

Not Transferable

630-117

578495

CM&A Limited MP Licence# SFE 0315

PAY ONLY	** KOUGA MUNICIPALITY **
The Sum of RAND	* ONE HUNDRED THOUSAND RAND ONLY * * * * *

14551

03/07/2015

R ***100000.00*

SARAH BAARTMAN DISTRICT MUNICIPALITY
P.O. BOX 318
PORT ELIZABETH
6000

FOR SARAH BAARTMAN DISTRICT MUNICIPALITY

K. Jansen

[Signature]

⑆578495 ⑆630117⑆ 16400000062⑆ 10

A G R E E M E N T
MADE AND ENTERED INTO BY AND BETWEEN

SARAH BAARTMAN DISTRICT MUNICIPALITY
(herein represented by **DAYALAN MURUVEN PILLAY** in his capacity as
MUNICIPAL MANAGER and duly authorised thereto)

(hereinafter referred to as the “**DISTRICT**”)

AND

KOUGA LOCAL MUNICIPALITY
(herein represented by **SYDNEY FADI** in his/her capacity as **MUNICIPAL MANAGER**
and duly authorised thereto)

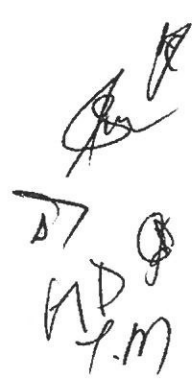
(hereinafter referred to as the “**ORGANISATION**”)

WHEREAS

Sarah Baartman District Municipality requested local municipalities, located within the municipal boundaries of the district, to submit written requests for Funding (hereinafter referred to as the “**FUNDING**”), according to a standard application form

AND WHEREAS

The Organisation responded to the request for support to creative industries by submitting a written application for Funding for a specific development activity (hereinafter referred to as “**ACTIVITY**”).


Handwritten signature and initials, including 'D.P.' and 'F.M.'.

NOW THEREFORE THESE PRESENT WITNESS AS FOLLOWS:

1. The District shall disburse an amount of R150, 000 as Funding to the Organisation for expenditure on the following activity:
 - 1.1 "Kouga's Got Talent" R150, 000
2. The Funding shall be used for **ACTIVITY** as described in 1.1 and described more fully in the Application for Support to Creative Industries.
3. Should the Organisation wish to expend the Funding for activities other than that described in 1.1 the Organisation will submit, in writing, a motivation to the District to request the utilisation of the/part of the Funding for additional activities. Funding may only be utilised for activity other than that described in 1.1 following written approval from the District.
4. The Organisation will submit monthly progress reports to the District, outlining progress and expenditure in terms of the **ACTIVITY** for which funding was granted. The monthly progress reports must specifically outline the way in which the **ACTIVITY** included has benefitted historically disadvantaged individuals and emerging tourism enterprises, thereby accelerating the rate of transformation in the tourism sector in Kouga local municipal area.
5. It is agreed that neither party is entitled to cede or assign any of the rights, duties or obligations it has in terms of this Agreement.
6. This Contract Agreement constitutes the whole Agreement between the parties and no representations, either verbal or written, made by either party during the tenure of this Agreement shall be of any force or effect unless agreed to by both parties, reduced to writing and annexed hereto as an addendum.
7. No agreement varying, adding to, deleting from or cancelling this Agreement shall be effective unless reduced to writing and signed by or on behalf of the Parties.


57 H.P. SA
7.M

8. Any Party may terminate this Agreement by reason of the material breach of the Agreement by another Party. Such termination shall be without prejudice to any other claim that any Party may have, whether under this Agreement or in law, including any claim for damages.

For the purposes of this clause a breach shall be deemed to be material if it goes to the root of the Agreement, and the Party committing the breach fails to rectify the breach within 30 (thirty) days of receipt of written notice from the Party calling on it to do so, or within such longer period of notice that may reasonably be required to rectify the breach; or


If any Party commits any non-material breach of this Agreement then the other Party may claim specific performance or damages or both, as the case may be, but shall have no right of termination.

9. When a formal dispute has been registered, before referring the matter for arbitration, the parties must promptly convene a meeting between themselves or their representatives, to determine the nature of the dispute, including the precise issues that are in dispute in order to identify and agree on an appropriate mechanism or procedure, other than the judicial proceedings, that are available to the parties to assist them in settling the dispute. The parties must make every reasonable effort to settle the dispute in terms of such mechanism or procedure.

10. Any dispute between the Parties in regard to:

- (a) the interpretation of;
- (b) the effect of;
- (c) the Parties' respective rights and obligations in terms of;
- (d) a breach of;
- (e) any matter arising out of;

this Agreement or consequent upon the termination thereof shall be referred to and finally resolved by arbitration, by an arbitrator to be appointed by the Arbitration Foundation of Southern Africa ("AFSA") in accordance with the AFSA rules and


87
A H.P.
T.M.

regulations, which arbitrator's findings shall be subject to an appeal in terms of the AFSA rules, and may be made an order of court.

11. The terms and conditions of this Agreement shall be interpreted and governed in accordance with the laws of the Republic of South Africa.
12. Should Kouga Local Municipality conduct itself in a manner that is contrary to the conditions of this Agreement, Sarah Baartman District Municipality may terminate this Agreement forthwith without any prejudice to any other rights it may have.

13. *Domicilium Citandi Et Executandi*

The Sarah Baartman District Municipality chooses as its domicilium citandi et executandi for all purposes arising from this Agreement:

Standard Bank Building
32 Govan Mbeki Avenue
Port Elizabeth
6001

Kouga Local Municipality chooses as its domicilium citandi et executandi for all purposes arising from this Agreement:

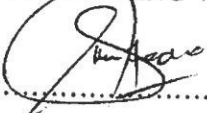
33 Da Gama Road
Jeffreys Bay
6330

Either party may change its domicilium citandi et executandi by means of a written notice to the other party, provided that such domicilium shall be a physical address within the Province of the Eastern Cape, Republic of South Africa.

All notices contemplated under this Agreement shall be delivered by hand or sent by pre-paid registered post, in which event such notice shall be deemed to have been received by the addressee 14 (fourteen) business days after the proven date of posting.


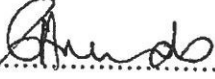
Handwritten signatures and initials, including a large signature at the top, and initials 'A', 'HD', and 'T.M.' below.

THUS DONE AND SIGNED AT JEFFREYS BAY ON THIS THE 6TH DAY
OF MAY 2016 IN THE PRESENCE OF THE
FOLLOWING WITNESSES.

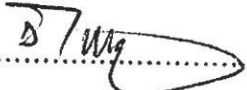
 6/5/2016

For and on behalf of Kouga Local Municipality (ORGANISATION)

AS WITNESSES:

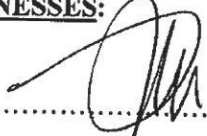
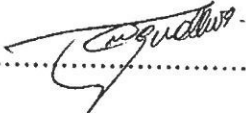
1. 
2. 

THUS DONE AND SIGNED AT PORT ELIZABETH ON THIS THE 23rd
DAY OF MARCH 2016 IN THE PRESENCE OF THE
FOLLOWING WITNESSES.



For and on behalf of Sarah Baartman District Municipality (DISTRICT)

AS WITNESSES:

1. 
2. 

MAYORAL COMMITTEE: 02 DECEMBER 2015

13.1.1 Support to Creative Industries

It was

RESOLVED

- (a) that financial assistance be granted to the following organisations in terms of the projects indicated in the table below:

Ndlambe LM	Bathurst Sakhulutsha Ballroom and Latin Dance	R20, 000
	Sinethemba Gospel Group	R20, 000
Kouga LM	"Kouga's Got Talent"	R150.000
Makana LM	Masicule Concert Series	R 85, 000
	Makana Music Development Programme	R200, 000
National Arts Festival and Rhodes University Partnership	Development of Creative Industries Strategy	R256, 000
TOTAL		R731,000

- (b) that funding agreements be entered into between Sarah Baartman District Municipality and the respective organisations.